

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DENISSE VILLALTA,

Plaintiff,

Case No: 1:16-cv-02772 (RA) (RWL

-against-

JS BARKATS PLLC and SUNNY BARKATS,

Defendants.

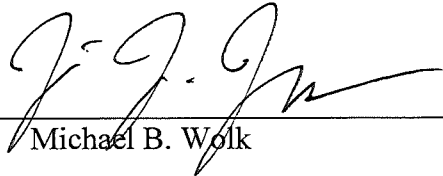
**CERTIFICATION BY
-----X PRIOR COUNSEL**

MICHAEL B. WOLK, an attorney duly admitted to practice law in the United States District Court for the Southern District of New York, hereby certifies, under penalty of perjury, as follows:

1. On December 19, 2018, the Court issued an Order granting my application to withdraw as counsel for Defendants. A copy of the Order is attached hereto.
2. On December 19, 2018, pursuant to the Order, I served a copy of the Order on Defendants by email to Defendants' last-known e-mail addresses, which include both Defendants' last known e-mail address and the e-mail address for Mr. Barkats' criminal defense counsel. A copy of my email is attached hereto.
3. On December 19, 2018, pursuant to the Order, I served a copy of the Order on Defendants by mail at their last-known mailing addresses, to wit: JS Barkats PLLC and Sunny J. Barkats, Esq., 271 Madison Avenue, 4th Floor, New York, New York 10016. This last-known mailing address was set forth in an email sent yesterday from Defendants to me.
4. On December 19, 2018, Defendants sent me emails, in response to my attached email with the Order, confirming they had received the same and are aware of the

contents of the Order, including but not limited to the direction in the Order that “No later than January 18, 2019, Defendants shall (a) appear by new counsel or proceed pro se and (b) answer the operative complaint (for which Defendants already are in default). Failure to comply may result in sanctions, including default judgment.” By virtue of said emails from Defendants, in which Defendants confirm they had received my attached email with the Order and are aware of the contents of the Order, it is respectfully submitted there is no practical purpose for attempting at least three times to call the last-known phone number(s) for Defendants to notify them of the Order and its contents.

Dated: December 20, 2018
New York, New York



Michael B. Wolk

Michael B. Wolk

From: Michael B. Wolk
Sent: Wednesday, December 19, 2018 4:52 PM
To: 'Sunny Barkats'
Cc: Scott Grauman
Subject: Activity in Case 1:16-cv-02772-RA-RWL Villalta v. JS Barkats, P.L.L.C. et al Order
Attachments: barkats.villalta.sdney.order.12.19.18.pdf

Sunny: please see the Court's rulings today at a case conference, as set forth in the attached Order and pursuant to the Notice of Electronic Filing below.

At the case conference, the Court granted my oral application to withdraw as counsel, and directed Defendants (a New York law firm and a New York attorney) to interpose an Answer to Plaintiff's Year-2016 Complaint, by or before January 18, 2019, whether through new counsel to be retained by Defendants (or, alternatively, by themselves *pro se*).

Pursuant to the Court Order, I am serving a copy thereof on Defendants at their last known email address.

Pursuant to the Court Order, I am serving a copy thereof on Defendants by first-class mail to their last-known mailing address. According to an email today from you, that last-known mailing address is as follows: JS Barkats PLLC and Sunny J. Barkats, Esq., 271 Madison Avenue, 4th Floor, New York, New York 10016.

Pursuant to the Court Order, I have also been directed to place a telephone call, at least three times, to notify Defendants about the Court Order and its contents, at their last-known phone numbers. However, if you send a return email acknowledging your receipt of this correspondence and the attached Court Order, then I do not believe it would be necessary, under such circumstances, for me to place a telephone call to any last-known phone numbers.

Pursuant to the Court Order, I will be filing a Certification of Service.

Pursuant to the Court Order, and to ensure that notice thereof reaches Defendants, I am ccing your criminal defense counsel.

Thank you.

Michael B. Wolk, Esq.
Law Offices of Michael B. Wolk, P.C.
31 West 34th Street, Suite 7040
New York, New York 10001
Tel: 917-238-0576
Fax: 973-535-11458
Email: michael.wolk@wolkgroup.com

From: NYSD_ECF_Pool@nysd.uscourts.gov [mailto:NYSD_ECF_Pool@nysd.uscourts.gov]
Sent: Wednesday, December 19, 2018 4:30 PM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:16-cv-02772-RA-RWL Villalta v. JS Barkats, P.L.L.C. et al Order

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered on 12/19/2018 at 4:30 PM EST and filed on 12/19/2018

Case Name: Villalta v. JS Barkats, P.L.L.C. et al

Case Number: 1:16-cv-02772-RA-RWL

Filer:

Document Number: 56

Docket Text:

ORDER: The Court held a case management conference today. As set forth during that conference: 1. Defense counsel's motion to withdraw is granted based on the limited scope of his engagement, irreconcilable differences with and lack of communication from his client, and non-payment of fees due. Withdrawal will be effective upon Defense counsel's compliance with paragraph 3 below. 2. No later than January 18, 2019, Defendants shall (a) appear by new counsel or proceed pro se and (b) answer the operative complaint (for which Defendants already are in default). Failure to comply may result in sanctions, including default judgment. 3. Defense counsel informed the Court that Defendant Sunny Barkats left the United States in or about August of this year and remains abroad. Accordingly, Defense counsel shall serve a copy of this order on Defendants by sending it by email to Defendants' last-known e-mail addresses and first-class mail to the Defendants' last-known mailing addresses. Defense Counsel shall also attempt at least three times to call the last-known phone number(s) for Defendants to notify them of this Order and its contents. Defense counsel shall file a certification of the requirements of this paragraph no later than December 24, 2018. **SO ORDERED.** Attorney Michael Bryan Wolk terminated. (Signed by Magistrate Judge Robert W. Lehrburger on 12/19/2018) (mml)

1:16-cv-02772-RA-RWL Notice has been electronically mailed to:

Michael Bryan Wolk michael.wolk@wolkgroup.com

Michael John Borrelli mjb@employmentlawyernewyork.com, asg@employmentlawyernewyork.com

Alexander Todd Coleman atc@employmentlawyernewyork.com, WRD@employmentlawyernewyork.com, pem@employmentlawyernewyork.com

Michael R. Minkoff mrm@employmentlawyernewyork.com, lt@employmentlawyernewyork.com

Pooja Bhutani pooja.bhutani@lewisbrisbois.com

1:16-cv-02772-RA-RWL Notice has been delivered by other means to:

JS Barkats, P.L.L.C.

Sunny Barkats

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=12/19/2018] [FileNumber=21354798
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c33fd021d78eb014a99bb52c2bbadf8e3a85fbee13b454fe12c37e7c09bbf0]]

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 12-19-18

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DENISSE VILLALTA,

Plaintiff,

- against -

JS BARKATS, PLLC, and SUNNY BARKATS,

Defendants.
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16-cv-2772 (RA) (RWL)

ORDER

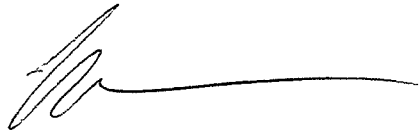
ROBERT W. LEHRBURGER, United States Magistrate Judge.

The Court held a case management conference today. As set forth during that conference:

1. Defense counsel's motion to withdraw is granted based on the limited scope of his engagement, irreconcilable differences with and lack of communication from his client, and non-payment of fees due. Withdrawal will be effective upon Defense counsel's compliance with paragraph 3 below.
2. No later than January 18, 2019, Defendants shall (a) appear by new counsel or proceed pro se and (b) answer the operative complaint (for which Defendants already are in default). Failure to comply may result in sanctions, including default judgment.
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attempt at least three times to call the last-known phone number(s) for Defendants to notify them of this Order and its contents. Defense counsel shall file a certification of the requirements of this paragraph no later than December 24, 2018.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: December 19, 2018
New York, New York